

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

GETTY PROPERTIES CORP.,

Plaintiff,

v.

RACEWAY PETROLEUM, INC.,

Defendant/Third Party Plaintiff,

v.

M.M. WERTHEIM, INC., POWERTEST
REALTY, CO., LTD., and JOHN DOES
1-10,

Third Party Defendants.

M.M. WERTHEIM, INC.,

Fourth Party Plaintiff,

v.

HUDSON ENVIRONMENTAL
SERVICES, INC. and ADR TANK &
ENVIRONMENTAL SERVICES, INC.,
previously d/b/a A. RIVERS BACKHOE
SERVICES.

Fourth Party Defendants.

Hon. Dennis M. Cavanaugh

ORDER

Civil Action No. 99-CV-4395 (DMC)

This matter coming before the Court upon motion for sanctions by Plaintiff Getty Properties Corp. and Third-Party Defendant Power Test Realty, Co., Ltd. (collectively, “Getty”) and cross-motion for sanctions by Defendant Third Party Plaintiff Raceway Petroleum, Inc. (“Raceway”); the Court having carefully considered the submissions of all parties; and for the

reasons stated in the Court's Opinion issued on this day;

IT IS this 7th day of June, 2005,

ORDERED that Getty's motion be and hereby is **denied**, and it is further

ORDERED that Raceway's motion be and hereby is **denied**, and it is further

ORDERED that all outstanding discovery issues be presented to Magistrate Judge Falk within **two (2) weeks** of the date of this Order, meaning all issues must be raised before Judge Falk by **June 21, 2005**.

S/ Dennis M. Cavanaugh
Dennis M. Cavanaugh, U.S.D.J.

Date: June 7, 2005
Original: Clerk's Office
cc: All Counsel of Record
The Honorable Mark Falk, U.S.M.J.
File